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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/740,325	12/18/2000	Brian Showers	027-0002	4574
22120	7590	01/09/2004	EXAMINER	
ZAGORIN O'BRIEN & GRAHAM, L.L.P. 7600B N. CAPITAL OF TEXAS HWY. SUITE 350 AUSTIN, TX 78731			CAPRON, AARON J	
		ART UNIT	PAPER NUMBER	
		3714	, 12	
DATE MAILED: 01/09/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/740,325	SHOWERS ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Aaron J. Capron	3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 08 December 2003.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-38 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)                    4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_ .
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)                    5) Notice of Informal Patent Application (PTO-152)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ .                    6) Other: \_\_\_\_\_ .

## **DETAILED ACTION**

This is a response to the Amendment received on December 8, 2003, in which claim 38 was added. Claims 1-38 are pending.

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 8, 2003 has been entered.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

- (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or
- (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

Claims 1-15 and 17-38 are rejected under 35 U.S.C. 102(e) as being anticipated by Schneier '408.

Schneier '408 discloses a method for facilitating verifiable gaming transactions that includes a first commit sequence commits an outcome generator to a set of outcomes (the servers

random number and the players random number are combined to generate a result value representing the complete sequence of cards of a deck), and instances of the second commit sequence commits at least each player to an index contribution (each player has the option of selecting additional cards from the complete sequence of cards from the deck and altering the sequence of cards) and thereafter reveal the index contribution; selecting from the outcomes based on a predefined combination operation on the index contribution; and thereafter revealing the set of outcomes for validation thereof (13:45-14:3).

Referring to claims 2 and 3, Schneier '408 discloses a set of outcomes that corresponds to card values (7:46-58) where the cards can be shuffled (1:15-26).

Referring to claim 4, Schneier '408 discloses a method that includes predefined combination operation that operates on an index contribution of the outcome generator (9:41-64).

Referring to claim 5, Schneier '408 discloses a method that includes a set of outcomes corresponding to a set of values at least partially defined by a deck of cards (7:46-58).

Referring to claims 6 and 7, Schneier '408 discloses a method wherein the first commit sequence includes encryption of the set of outcomes; supply of the encrypted set of outcomes to each of the players; and later access to set of outcomes using a key (2:2-5, 5:62-67, 9:3-22, 9:41-64 and 13:45-14:18).

Referring to claim 8, Schneier '408 discloses a method wherein the second commit sequence includes hashing the index contribution; supply hashed index to the outcome generator and to all of the players; and later supply of the index to the outcome generator and to all players (11:18-62, 12:42-44 and 13:45-14:18).

Referring to claim 9, Schneier '408 discloses a method wherein the first and second commit sequences include respective transformational securings selected from the set of cryptographic encodings, hashes and irreversible transforms (9:3-40 and 11:29-42).

Referring to claim 10, Schneier '408 discloses the first commit sequence is performed by a game processor (4:23-28) and the second sequence is performed by a respective player processor (8:36-39).

Referring to claims 11, 14 and 15, Schneier '408 discloses a verifiable gaming transaction method comprising transformationally securing an encoding of a predetermined set of outcomes supplying one or more player with the transformationally secured encoding; receiving a transformationally secured player index from each of the players; and selecting a particular one of the outcomes for revealing to the players based on the combination of the player indexes (13:35-14:18).

Referring to claim 12, Schneier '408 discloses a method wherein the predetermined set of outcomes is transformationally secured using a cryptographic key (9:8-13); and wherein the player indexes are secured using a hash (14:5-18).

Referring to claim 13, Schneier '408 discloses a method that includes receiving and verifying the player indexes against respective player indexes prior to the outcome selecting (12:48-13:4).

Referring to claim 17, Schneier '408 discloses a method that includes a modulo function, since Schneier '408 incorporates a counter for determining a number of players (13:5-20).

Referring to claims 18 and 19, Schneier '408 discloses a method that includes the securing of the randomized set encoding includes cryptographically securing the set of outcomes (13:45-14:18).

Referring to claims 20 and 22, Schneier '408 discloses a method comprising receiving a secured encoding of a predetermined set of outcomes for a gaming transaction; supplying a secured encoding of the player input; after each of the participants in the transaction has supplied a secured input, supplying the player input; accessing an outcome based on the combination of player input with the corresponding input for each of the participants, where the encoding is subject to later verification (12:36-13:24).

Referring to claim 21, Schneier '408 discloses a method that includes supplying player inputs after prior supply and receipt of corresponding secured inputs (Figure 7); and accessing successive one of the outcomes selected based on combination of the successively supplied player inputs with the corresponding inputs for each of the participants 12:36-13:24).

Referring to claim 23, Schneier '408 discloses a method that includes outcomes of the transformationally secured set thereof are individually secured (13:45-14:18); and wherein the accessing includes obtaining a key for a corresponding individually secured outcome.

Referring to claim 24, Schneier '408 discloses a method that includes outcomes of the secured set thereof are individually secured; and wherein the accessing includes receiving an encoding of the particular outcome for verification against the corresponding individually secured outcome (12:62-13:4).

Referring to claim 25, Schneier '408 discloses an outcome generator that includes a commitment sequence executable to supply one or more players with a secured set of outcomes

and a reveal sequence responsive to receipt of index contributions from each of the players, the reveal sequence executable to select a particular one of the outcomes based on a combination of player indexes.

Referring to claim 26, Schneier '408 discloses a generator that includes game logic.

Referring to claim 27, Schneier '408 discloses a generator wherein the commitment and reveal sequences employ cryptographic transformations.

Claim 29 corresponds in scope to a computer program product set forth for use of the methods listed in claims 1-19 and are encompassed by use as set forth in the rejection above.

Referring to claim 30, Schneier '408 discloses a program wherein the computer readable media are selected from the set of a disk, tape other magnetic, optical, electrical storage medium (Figure 2 and 3) and a network (7:42-45).

Claims 31-33 correspond in scope to a method of a computer-readable encoding set forth for use of the methods listed in claims 1-19 and are encompassed by use as set forth in the rejection above.

Referring to claim 34, Schneier '408 discloses a computer-readable encoding that includes at least one message suitable for communication between the server and the client thereof (Figure 1).

Claim 35 corresponds in scope to an apparatus set forth for use of the methods listed in claims 1-19 and are encompassed by use as set forth in the rejection above.

Referring to claim 36, Schneier '408 discloses the set of outcomes corresponds to a deck of cards.

Referring to claim 37, Schneier '408 discloses the predetermined set of outcomes corresponds to a deck of cards.

Claim 38 corresponds in scope to a player client set forth for use of the methods listed in claims 1-19 and are encompassed by use as set forth in the rejection above.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schneier '408.

Referring to claim 16, Schneier '408 discloses a method that includes player-selected indexes that are combined, but does disclose using a bit-wise OR of binary encodings. However, it is old and well known in the art that binary logic gates (AND, OR, NOR, etc.) are used for data manipulation, especially when using a combination of data sequences. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the OR sequence into the combination of indexes because it would be easy to calculate the data sequence using a binary logic gate.

***Response to Arguments***

Applicant's arguments filed December 8, 2003 have been fully considered but they are not persuasive.

Applicant argues that Schneier '408 fails to teach a first-type commit/reveal sequence that commits an outcome generator to a set of outcomes. However, as stated above, Schneier '408 discloses a method for facilitating verifiable gaming transactions that includes a first commit sequence commits an outcome generator to a set of outcomes (the server's random number and the player's random number are combined to generate a result value representing the complete sequence of cards of a deck-13:40-44), and instances of the second commit sequence commits at least each player to an index contribution (each player has the option of selecting additional cards from the complete sequence of cards from the deck and altering the sequence of the deck of cards, for example a players requests three additional top cards from the deck and the following players are affected by the selection of cards-13:45-14:3). The claimed language is not so limiting as to exclude the combining of both the server's random number and the player's random number to generate a result value representing a complete sequence of cards to be the first-type commit/reveal sequence that commits an outcome generator to a set of outcomes. Therefore, the claimed invention fails to preclude the invention of Schneier '408.

Applicant's arguments with respect to claims 11, 20, 28 and 31 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments, see Paper #13, page 11, lines 6-9, filed December 8, 2003, with respect to the rejections of claims 11, 20, 28 and 31 under Schneier '408 and Schneier '398 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Schneier

'408. Schneier '408 discloses that the player's random number and the server's random number are combined to form a result value defining the complete sequence of the deck of cards, wherein the server generates the complete sequence of the deck of cards (13:40-44). The game server then deals out the predetermined set of outcomes (the cards required from the top of the predefined deck) to each player (13:50-57). Schneier '408 clarifies the essentialness that the player terminal does not have the server decoding key when selecting additional cards since it would allow the player to know the complete sequence of cards (13:58-62). Schneier '408 further states that each message is encrypted to ensure the authentication of the player's communication (14:5-18). Therefore, the claimed invention fails to preclude the invention of Schneier '408.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron J. Capron whose telephone number is (703) 305-3520. The examiner can normally be reached on M-Th 8-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on (703) 308-1806. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.



MARK SAGER  
PRIMARY EXAMINER

ajc